UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/615,719	07/13/2000	REI MIYAMOTO	FQ5-481	4797

466	7590	05/20/2004	

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EXAMINER
NGUYEN, TOAN D

ART UNIT	PAPER NUMBER
2665	

DATE MAILED: 05/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _05 March 2004_ .

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-10_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☒ Claim(s) _9 and 10_ is/are allowed.

6) ☒ Claim(s) _1,2 and 6_ is/are rejected.

7) ☒ Claim(s) _3-5,7 and 8_ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _13 July 2000_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1-2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yin et

al. (U.S. 5,982,748) in view of Chow et al. (U.S. 6,438,134 B1).

For claims 1-2, Yin et al. disclose method and apparatus for controlling admission of

connection requests, comprising the steps of:

a) receiving a QoS (Quality of Service) specified connection request (figure 3, reference

54, col. 5 lines 51-53);

b) calculating an assigned bandwidth on a link associated with the QoS-specified

connection request (figure 3, reference 60, Table 2, col. 5 lines 61-62);

d) determining whether the QoS-specified connection request is accepted, based on a

combination of the assigned bandwidth and the estimated bandwidth (figure 3, col. 6 lines 9-19).

However, Yin et al. does not disclose c) calculating an estimated bandwidth to be

assigned to an existing QoS-unspecified traffic on the link associated with the QoS-specified

connection request. In an analogous art, Chow et al. disclose c) calculating an estimated

bandwidth to be assigned to an existing QoS-unspecified traffic on the link associated with the

QoS-specified connection request (Table 3, col. 12 lines 35-36). Chow et al. disclose wherein in

the step (c), the estimated bandwidth on the link is obtained based on an average

QoS-unspecified traffic of each QoS-unspecified virtual connection existing on the link

associated with the QoS-specified connection request (col. 6 lines 59-59-63 as set forth in claim

2).

One skilled in the art would have recognized calculating an estimated bandwidth to be

assigned to an existing QoS-unspecified traffic to use the teachings of Chow et al. in the system

of Yin et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time

of the invention, to use the calculating an estimated bandwidth to be assigned to an existing

QoS-unspecified traffic as taught by Chow et al. in Yin et al.'s system with the motivation being

to allocate the idle bandwidth for the ATM service classes (col. 12 lines 27-36).

For claim 2, Soumiya et al. disclose wherein in the step (c), the estimated bandwidth on

the link is obtained based on an average QoS-unspecified traffic of each QoS-unspecified virtual

connection existing on the link associated with the QoS-specified connection request (col. 6 lines

59-59-63 as set forth in claim 2)

For claim 6, Yin et al. disclose method and apparatus for controlling admission of

connection requests, comprising the steps of:

a QoS-specified connection request (figure 3, reference 54, col. 5 lines 51-53), and

determining whether the QoS-specified connection request is accepted, based on a combination

of the estimated bandwidth and an assigned bandwidth that is already assigned in the link (figure

3, col. 6 lines 9-19).

However, Yin et al. does not disclose:

a traffic monitor for monitoring a QoS unspecified traffic for each QoS-unspecified

connection existing on each link;

a memory for storing a cell traffic management table containing an average

QoS-unspecified traffic for each QoS-unspecified connection existing on each link; and

a call admission manager for calculating an estimated bandwidth by adding up average

QoS-unspecified traffics for all existing QoS-unspecified connections on a link associated with a

QoS-specified connection request, wherein the estimated bandwidth is a bandwidth to be

assigned to the existing QoS-unspecified connections on the link.

In an analogous art, Chow et al. disclose:

a traffic monitor (figure 8, reference 10) for monitoring a QoS unspecified traffic for each

QoS-unspecified connection existing on each link (col. 11 lines 31-34);

a memory for storing a cell traffic management table containing an average

QoS-unspecified traffic for each QoS-unspecified connection existing on each link (Table 1, col.

6 lines 61-63); and

a call admission manager (figure 8, reference 10) for calculating an estimated bandwidth

by adding up average QoS-unspecified traffics for all existing QoS-unspecified connections on a

link associated with a QoS-specified connection request (Table 3, col. 11 lines 64-67), wherein

the estimated bandwidth is a bandwidth to be assigned to the existing QoS-unspecified

connections on the link (col. 12 lines 33-36).

One skilled in the art would have recognized a traffic monitor to use the teachings of

Chow et al. in the system of Yin et al. Therefore, it would have been obvious to one of ordinary

skill in the art at the time of the invention, to use the traffic monitor as taught by Chow et al. in

Yin et al.'s system with the motivation being to service sixty- four inputs I_1-I_{64}, each of which

carries multiple connections from any of various ATM traffic classes (col. 11 lines 24-26)

Allowable Subject Matter

3.   Claims 3-5 and 7-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4.   Claims 9-10 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding claim 9, the prior art fails to teach a combination of the steps of:

a calculator for adding up existing QoS-unspecified traffics obtained at predetermined sampling time intervals to produce a first average QoS-unspecified traffic, and calculating the estimated bandwidth by averaging a predetermined number of first average QoS unspecified traffics stored, in the specific combination as recited in the claim.

Response to Arguments

5.   Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

Contact Information

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan D Nguyen whose telephone number is 703-305-0140. The examiner can normally be reached on Monday- Friday (7:00AM-4:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Huy Vu can be reached on 703-308-6602. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is 703-305-9600.

TN

T.N.

HUY D. VU
SUPERVISORY PATENT EXAMINER
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